

*Immigration Act, 1976*

that the Cabinet would be able to satisfactorily decide what is a safe country and what is not.

We do not believe that the Cabinet will be able to make spur of the moment decisions about safe countries when various parts of the world face destabilizing events which create new unsafe places almost weekly. A Cabinet would not be able to turn around quickly and make those decisions that would obviously account for the sensitivities that are drawn into the equation of an entire refugee process.

We believe that the individual merits of refugee claims would be very much secondary to the political and diplomatic pressures that would be brought to bear on a federal Cabinet in deciding what countries should be on that safe country list. Nothing illustrates that better than the case of Mr. Santokh Singh who received a clean bill of health from both CSIS and the RCMP, and whose refugee claim was unanimously accepted by a three member refugee advisory committee. Yet the Secretary of State for External Affairs (Mr. Clark) was able to intervene and overturn that decision based upon representations he had from the Indian Government and whatever other factors he brought into the equation. This is a test case of how the Cabinet would react in creating a safe country list.

The federal Cabinet obviously must protect our relations with our friends and allies. It would be asked to compromise itself with those countries by leaving a friendly country off the safe country list. I believe there is virtually no chance of those countries being left off a safe country list, and amendment No. 7 suggests that the refugee experts on the refugee board be allowed to create that list in an independent an impartial way, without being a target of political and diplomatic pressure. While we object to a safe country concept, if the Government is intent on having such a list we believe that it would be better to allow the refugee determination body to make the decision about safe countries and who will be safe in those countries. We regret that the Government refused to accept that amendment.

While it refuses such a suggestion on the one hand, it claims in public that it has changed the Bill to make that safe country concept workable so that a refugee returning there will be safe and will have a fair hearing. We are disturbed that the Government never attempted to define what it would regard as safe. For example, the United States of America is a friend and ally of Canada. No one disputes that fact. However, while being our friend and ally, it has a Central American policy that is at odds with ours because they will exclude and deport Central American refugees indiscriminately. Therefore, would the United States be on or off the safe country list? Would a Central American refugee who is coming from the United States be returned there, yes or no? Regretfully, we are not getting answers to those precise questions.

Another example is Great Britain. It is also a very close and honourable ally, as it should be. However, it is the immigration and refugee policy of Great Britain to deport indiscriminately

individuals who we would not deport. A Tamil would be deported from Great Britain instantly. If we were to receive a refugee claimant who came from Great Britain, would that person be deported back to Britain? Yes or no?

● (1640)

For instance, if we were to receive a claimant who came from Great Britain, would that person be deported to Great Britain, yes or no? If a Tamil was deported to Great Britain, and if a Central American refugee was deported to the United States, could we as a country be satisfied to say we deported or sent those people to a "safe" country? We have sent them to gray countries. We have sent them to friendly countries. We have sent them to countries which are our allies. But are they honestly safe countries for those particular classes of refugees? If they are not, which in these two cases they are not, are we not really washing our hands as a country and placing in jeopardy these individuals who will become the ball in the pinball machine and slotted between different countries? That is the type of argument we have tried to make to this Government and to its Ministers in order to try to decipher what exactly is meant by "safe" and "unsafe" countries.

That is why we are worried and why the Senate is worried, why government Members sitting in the Senate are worried about amendment No. 7. They feel it would be better if a refugee panel of impartial experts was able to draft such a list rather than a Cabinet that is obviously politically interested and motivated in many of the decisions it undertakes on behalf of this country.

I reiterate that we have a great deal of concern about the Cabinet discharging that responsibility. We ask once again that the Government and the Minister rethink and re-evaluate the practicality and politics of having the Cabinet define what is a safe country.

If the Government is legitimately concerned with the refugee process, and with the individual merits of a particular case, it too would agree that the federal Cabinet as a forum is the wrong body with which to try to uphold the individual merits of refugee claimants. We believe quite strongly that those interests as a priority would be last on a long list of other priorities of the Prime Minister (Mr. Mulroney) sitting at the table with his closest Ministers and most important advisers. Therefore, we concur in the Senate amendment. We hope in the debate that will ensue within the next number of days that the Government will change its mind and allow amendment No. 7.

Amendment No. 10 deals with the issue of appeal. Essentially, the problem with the current appeal is that it will go to the Federal Court, which has been acknowledged to be the wrong body, a body which is not particularly knowledgeable about the intricacies of the refugee law and phenomenon, by many legal experts before our standing and legislative committees, and that the current appeal will simply be on points of law. In